

## **REMARKS**

### **Status of the Claims**

Upon entry of the present amendment, claims 1-11 will be pending in the present application. Claim 7 is currently withdrawn from consideration. Claims 1 and 4-6 have been amended. Claims 8-11 have been added. Support for the recitations in claim 1 can be found in the published specification, *inter alia*, at paragraphs [0042], [0045], [0048], and [0049]. Support for the recitations in claim 4 can be found in the published specification, *inter alia*, at paragraphs [0042], [0045], [0048], [0049], and [0053]. Support for the recitations in claim 5 can be found in the published specification, *inter alia*, at paragraphs [0042], [0045], [0048], [0049], [0053], and [0055]. Support for the recitations in claim 6 can be found in the published specification, *inter alia*, at paragraphs [0045], [0048], [0049], [0056], [0058], and [0059]. Support for new claims 9-11 can be found in the published specification, *inter alia*, at paragraphs [0048]-[0049]. No new matter has been added.

### **Issues under 35 U.S.C. § 112, first paragraph**

The Examiner has rejected claims 1-6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the term “substituent” in the claims is too broad when compared to the disclosure of the written specification.

Applicants have amended the claims by explicitly reciting the substituents. Thus, Applicants respectfully submit that the amendments overcome the outstanding rejection and that the rejection be removed.

### **Issues under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite.

First, the Examiner essentially repeats the same assertion regarding the substituents above. Applicants respectfully submit that the amendments described above also overcome this rejection.

Second, the Examiner alleges that the values of the metal ion and ligand should be specifically defined. Applicants have amended the claims in accordance with the Examiner's suggestion. As such, Applicants respectfully submit that the amendments overcome the outstanding rejection and that the rejection be removed.

**Issues under 35 U.S.C. § 102(a)**

The Examiner has rejected claims 1-6 under 35 U.S.C. § 102(a) as being anticipated by Igarashi '634 (US 6,358,634). Applicants respectfully assert that Igarashi '634 does not disclose each and every element of independent claim 1. Therefore, Igarashi '634 does not anticipate or render obvious claim 1.

The characteristic of the claimed invention is that the compound of the formula (I) and a phosphorescent material are contained in the luminescent layer.

In stark contrast, Igarashi '634 does not mention a phosphorescence emission system at all. Therefore, Applicants respectfully submit that the present invention is not anticipated by Igarashi '634, and withdrawal of the rejection is respectfully requested.

Furthermore, Applicants respectfully submit that compounds with a good performance in a fluorescent emission system are not always compounds with a good performance in a phosphorescence emission system.

In contrast, in the present invention, not only were materials with a higher performance in a phosphorescence emission system found but also the external quantum efficiency in the present invention (14.9% to 23.9%) was remarkably improved from the external quantum efficiency disclosed in Igarashi '634 (1.2%). The present invention also possesses an unexpected effect (driving durability) not disclosed in Igarashi '634.

Therefore, the claimed invention is also not obvious over Igarashi '634.

In view of the above, Applicants respectfully submit that the pending claims clearly distinguish over Igarashi '634, and withdrawal of the rejection is respectfully requested.

**Obviousness-type Double Patenting**

The Examiner has rejected claims 1-6 under the doctrine of obviousness-type double patenting over the following claims:

- 1) Claims 11-20 of U.S. Patent No. 6,358,634;
- 2) Claims 1-20 of U.S. Patent No. 7,179,544; and
- 3) Claims 1-9 of U.S. Patent No. 7,291,405.

In view of the amendments to the claims, Applicants respectfully submit that the above non-statutory obviousness-type double patenting rejections have been overcome and that the rejections be removed.

#### **Claim Objections**

The Examiner has objected to claims 1-5 as containing non-elected subject matter. Applicants acknowledge the objection and note that Applicants will request rejoinder of the non-elected subject matter when the elected subject matter is indicated to be allowable.

As the above amendments and remarks address and overcome the rejections, withdrawal thereof and allowance of the claims are respectfully requested.


**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Reg. No. 58,258, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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